

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JONATHAN ROSADO,

Plaintiff,

vs

9:09-CV-67

P. FESSETTO, Correctional Sergeant,
Clinton Correctional Facility,

Defendants.

APPEARANCES:

JONATHAN ROSADO
05-B-1983
Southport Correctional Facility
PO Box 2000
Pine City, NY 14871

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
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The Capitol
Albany, New York 12224

DEAN J. HIGGINS, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Jonathan Rosado, commenced this civil rights action in January 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated August 4, 2010, the Honorable Andrew T. Baxter, United States Magistrate Judge, recommended that defendant's motion for summary judgment (Docket No. 26) be granted, and the complaint dismissed in its entirety. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Baxter, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

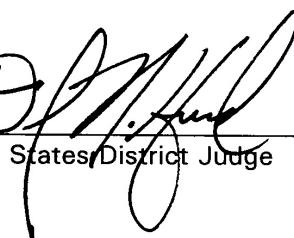
Accordingly, it is

ORDERED that

1. Defendant's motion for summary judgment (Docket No. 26) is GRANTED;
2. The complaint is DISMISSED in its entirety; and
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 20, 2010
Utica, New York.



United States District Judge